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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,619	06/05/2000	James P. Coppola III	TRD-001XX	8863
207	7590	12/07/2006	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3691	
DATE MAILED: 12/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/587,619

Applicant(s)

COPPOLA, JAMES P.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/13/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

#### ***Response to Amendment***

Claims 1-21 are pending. This action is in response to the remarks received September 24, 2004.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandretto (US 5,812,988) in view of Rotella (US 4,677,933).

Re claims **1, 10, 19**, and **20-21**, Sandretto teaches a method for managing portfolio risk on a computer system (col. 12, lines 24-27; col. 9, lines 25-30; col. 4, lines 35-40; abstract; Sandretto discloses risky Investments in stock portfolios either in an individual asset or in an index), comprising:

storing a plurality of parameters associated with an investment instrument on a computer-readable medium (col. 15, lines 23-51; figs. 1-1a), the parameters including an identifier, a market price, and a number of shares or contracts (col. 9, lines 25-30; col. 5, lines 15-19; figs. 8 and 2-4; Sandretto discloses actual market prices for those individual assets and number of shares of stock outstanding);

determining a point risk value, the point risk value comprising an intermediate value multiplied by the number of shares or contracts, the intermediate value comprising the market price minus the stop-loss price for a long transaction or the market price plus the stop-loss price for a short transaction (col. 20, line 52 to col. 21, line 67; figs. 2-10; Sandretto discloses the mathematical steps for determining a point risk value in relation to individual assets in a market price);

determining a number of shares or contracts associated with the point risk value for a selected size risk value, the number determined by multiplying the selected size risk value by the equity value and dividing by the point risk value (figs. 2-10);

repeating the step of determining a number of shares or contracts for a plurality of selected size risk values (col. 8, line 60 to col. 10, line 67; figs. 2-5 and 10; Sandretto discloses the process are repeated until the risk measure .beta. used to determine the discount rate approximates to desired accuracy, the risk measure .beta. determined subsequently in the process); and

displaying a plurality of risk scenarios corresponding to the plurality of selected size risk values, the displaying step including displaying the number of shares or contracts corresponding to each of the plurality of size risk values (col. 15, lines 53-67; figs. 11-13).

However, Sandretto does not explicitly teach a stop-loss price. On the other hand, Rotella discloses a stop-loss price when he discloses stock price tracking that permits tracking of stop loss orders for a multitude of stocks (col. 1, lines 5-67). Rotella discloses stock price tracking having greater flexibility in monitoring stop loss orders by placing advanced orders. He discloses the lever means for monitoring a stock price to determine when to buy, sell or retain a stock. Thus, it would have been obvious to one of ordinary skill in the art to track a stop-loss price by monitoring the stocks so that investors in the stock market are continuously aware of the price of their stocks in order to determine what further action to take, that is, whether to buy, sell or hold onto the stocks as disclosed in Rotella.

Re claims **2** and **11**, Sandretto teaches determining a market value associated with each of the plurality of risk scenarios and displaying the market values (col. 3, lines 25-38; fig. 8).

Re claims **3** and **12**, Sandretto teaches storing the plurality of parameters associated with a plurality of investment instruments (col. 15, lines 23-51; figs. 1-4);

storing a total equity value for the portfolio (col. 34, lines 5-11; figs. 9 and 2-4);  
Sandretto discloses equity asset in relation to the portfolio of an individual assets);

determining for each investment instrument a risk value, the risk value comprising an intermediate value of the market price minus the stop-loss price for a long transaction or the market price plus the stop-loss price for a short transaction, the intermediate value multiplied by the number of shares or contracts associated with each investment instrument (col. 20, line 52 to col. 21, line 67; figs. 2-10; Sandretto discloses the mathematical steps for determining a point risk value in relation to individual assets in a market price);

determining a sum of risk values of the plurality of investment instruments, the sum comprising a planned risk value (abstract; figs. 2-5);

determining the equity value by subtracting the planned risk value from the total equity value for the portfolio (figs. 2-5); and

displaying the equity value (fig. 5; Sandretto outputs the result that corresponds to the claimed limitation of displaying).

Re claims **4** and **13**, Sandretto teaches determining a ratio of the planned risk value to the total equity value and displaying the ratio (col. 27, lines 38-64; col. 15, lines 53-55; col. 27, lines 38-64).

Re claims **5** and **14**, Sandretto teaches storing a user's buying power value and displaying the user's buying power value (col. 16, lines 1-30; figs. 2-5). Sandretto discloses a portfolio is created by buying and/or selling assets by an individual.

Re claims **6** and **15**, Sandretto teaches determining a plurality of market values, each market value associated with each of the plurality of risk scenarios and displaying a plurality of new buying power values, each new buying power value corresponding to the user's buying power minus each of the plurality of market values (figs. 3-5).

Re claims **7** and **16**, Sandretto teaches storing a commission and a skid associated with the investment and in the step of determining the point risk, the intermediate value comprises the market price minus the stop-loss price plus the commission plus the skid for a long transaction, or the intermediate value comprises the market price plus the stop-loss price minus the commission minus the skid for a short transaction (col. 20, line 52 to col. 21,

line 67; figs. 6-11). Sandretto discloses the mathematical steps for determining a point risk value in relation to individual assets in a market price.

Re claims **8** and **17**, Sandretto teaches investment instruments includes stocks, mutual funds, options, futures, futures options, bonds, or mortgages (fig. 2). In figure 2, Sandretto discloses an investment instrument such as a bond.

Re claims **9** and **18**, Sandretto teaches computer system comprises a client server computer system (fig. 1a).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct-uspto.gov/>>. Should you have questions on access to the

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Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'THHavan'.

Thu Thao Havan

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11/30/06